IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

Steve Weinberg, Plaintiff, vs. National Football League Players Association, Richard Berthelsen, Gene Upshaw, Tom DePaso, Trace Armstrong, Roger Kaplan, John Collins, Keith Washington, Tony Agnone, Howard Shatsky, and Mark Levin, Defendants.	§ § § § § § § § § § § § § §	Civil Action No. 3-06-CV2332-B **ECF**

NFLPA DEFENDANTS' AGREED MOTION FOR EXTENSION OF TIME TO FILE DEFENDANTS' RESPONSE TO PLAINTIFF'S MOTION TO REMAND AND TO FILE DEFENDANTS' REPLY TO PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION TO COMPEL ARBITRATION AND TO DISMISS THE PETITION

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, Defendants National Football League Players Association ("NFLPA"), Richard Berthelsen, Gene Upshaw, Tom DePaso, Trace Armstrong, Keith Washington, John Collins, and Mark Levin (collectively, the "NFLPA Defendants"), hereby move for a two week extension of time, until March 6, 2007, to file the NFLPA Defendants' Response to Plaintiff's Motion to Remand and for a two week extension of time, until March 1, 2007, to file the NFLPA Defendants' Reply to Plaintiff's Opposition to Defendants' Motion to Compel Arbitration and to Dismiss the Petition. In support of this Motion, the NFLPA Defendants state as follows:

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BACKGROUND

1. The Petition. On or about November 20, 2006, Plaintiff Steven Weinberg filed his First Amended Petition in Steve Weinberg v. National Football League Players Assoc., et al., Cause No. 06-11845, in the District Court for the 95th Judicial District of Dallas County, Texas (the "Petition").[1]

2. The Removal. On or about December 18, 2006, the NFLPA Defendants timely removed this action to the United States District Court for the Northern District of Texas, Dallas Division. The non-NFLPA Defendants in this action (Defendants Kaplan, Shatsky, and Agnone), consented to the removal.

3. The NFLPA Defendant's Motion to Compel Arbitration and to Dismiss the Petition. On January 9, 2007, the NFLPA Defendants' filed their Motion to Compel Arbitration and to Dismiss the Petition.

4. Plaintiff's Expedited Agreed Motion for Extension of Time. On January 16, 2007, counsel for the NFLPA Defendants consented to Plaintiff's Expedited Agreed Motion for Extension of Time requesting an Order extending Plaintiff's deadline, until January 31, 2007, to file Plaintiff's Motion to Remand and to file Plaintiff's Response to the NFLPA Defendants' Motion to Compel Arbitration and to Dismiss the Petition ("Plaintiff's Agreed Motion"). Plaintiff filed its Agreed Motion on January 16, 2007.

5. NFLPA Defendants Current Filing Deadlines. Pursuant to local rules, the NFLPA Defendants are required to file their response to Plaintiff's Motion to

[1] Defendants specifically preserve and do not waive any and all applicable defenses, including, without limitation, those pursuant to Federal Rule of Civil Procedure 12 and any right to demand arbitration. Moreover, certain parties may challenge Texas' in personam jurisdiction over them.

Remand on or by February 20, 2007, and are required to file a reply to Plaintiff's Response to the NFLPA Defendant's Motion to Compel Arbitration and to Dismiss the Petition on or by February 15, 2007.

MOTION

6. In the absence of improper prejudice to a party, the Court enjoys broad discretion over the administration of its cases. See, e.g., Macklin v. City of New Orleans, 293 F.3d 237, 240 (5th Cir. 2002) ("As there is no indication that the district court exercised leniency unfairly [in extending filing deadlines] or otherwise improperly prejudiced [the plaintiff], we find no abuse of discretion."). Moreover, Rule 6(b) of the Federal Rules of Civil Procedure permits the Court, in its discretion, to enlarge a period of time "for cause" when a request is made prior to the expiration of time originally allowed. Fed. R. Civ. P. 6(b).

7. Given the complex and numerous issues expected to be presented in Plaintiff's Motion to Remand and in Plaintiff's Response to the NFLPA Defendants' Motion to Compel Arbitration and to Dismiss the Petition, counsel for the NFLPA Defendants asked counsel for Plaintiff to agree to a two week extension of time to file a response to Plaintiff's Motion to Remand and to a two week extension of time to file a reply to Plaintiff's Response to the NFLPA Defendants' Motion to Compel Arbitration and to Dismiss the Petition.

8. On January 16, 2007, counsel for Plaintiff, Bart F. Higgins, agreed to the NFLPA Defendants' request for an extension of time.

CONCLUSION AND REQUESTED RELIEF

The NFLPA Defendants respectfully request an Order extending their deadline to file the NFLPA Defendants' Response to Plaintiff's Motion to Remand for two weeks, until March 6, 2007, and extending their deadline to file the NFLPA Defendants' Reply to Plaintiff's Opposition to Defendants' Motion to Compel Arbitration and to Dismiss the Petition for two weeks, until March 1, 2007.

Dated: January 22, 2006

Respectfully submitted,

s/ Ralph I. Miller
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ATTORNEYS FOR DEFENDANTS NATIONAL FOOTBALL LEAGUE PLAYERS ASSOCIATION, RICHARD BERTHELSEN, GENE UPSHAW, TOM DEPASO, TRACE ARMSTRONG, KEITH WASHINGTON, JOHN COLLINS, AND MARK LEVIN

CERTIFICATE OF CONFERENCE

This is to certify that on January 16, 2007, counsel for the NFLPA Defendants sent an e-mail message to counsel for Plaintiff Steve Weinberg, Bart F. Higgins, confirming Plaintiff's verbal agreement to a two week extension of time, until March 6, 2007, for the NFLPA Defendants to file their Response to Plaintiff's Motion to Remand and for a two week extension of time, until March 1, 2007, to file their Reply to Plaintiff's Opposition to Defendants' Motion to Compel Arbitration and to Dismiss the Petition.

s/ Aaron D. Ford
Aaron D. Ford

CERTIFICATE OF SERVICE

On January 22, 2007, I electronically transmitted the foregoing NFLPA Defendants' Agreed Motion For Extension of Time To File Defendants' Response to Plaintiff's Motion to Remand and To File Defendants' Reply to Plaintiffs' Opposition to Defendants' Motion to Compel Arbitration and to Dismiss the Petition and Memorandum of Law in Support Thereof using the ECF System for filing a Notice of Electronic Filing to those parties registered for ECF in this case. I further certify that the foregoing document was served on all counsel of record by ECF.

s/ Aaron D. Ford
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